

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>DICENTRAL CORPORATION ,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>VS.</b>	§	<b>CIVIL ACTION 4:16-CV-02727</b>
	§	
	§	
<b>CABORCA LEATHER , LLC,</b>	§	
<b>Defendant.</b>	§	

**PLAINTIFF’S MOTION TO REINSTATE CASE**

TO THE HONORABLE DISTRICT JUDGE:

This Motion to Reinstate Case is brought by DiCentral Corporation (“DiCentral” or Plaintiff”), Plaintiff in the captioned action, requesting that that the Court reinstate Civil Action 4:16-CV-02727. The grounds for this Motion are as follows:

1. DiCentral specializes in the business of developing business-to-business e-commerce software and provides electronic data interchange solutions to its customers. On or about July 31, 2015, Caborca Leather, LLC (“Caborca” or “Defendant”) solicited DiCentral's services and agreed to that certain Subscriber Services Agreement (the "Contract). Pursuant to the terms of the Contract, DiCentral provided its services to Caborca.

2. Thereafter, a dispute arose between the parties regarding the payment terms of the Contract. On or about March 22, 2016, DiCentral and Caborca entered into that certain Full and Final Settlement Agreement (the "Settlement Agreement") wherein the parties agreed to a partial payment and then to continue negotiations regarding the additional payment and monies owed, subject to an agreed range of damages. A copy of the Settlement Agreement is attached hereto as Exhibit “A” and incorporated for all purposes. In

the event that the parties failed to reach a full and final resolution regarding the dispute, the parties agreed to proceed to arbitration on or before the end of June 2016.

3. DiCentral and Caborca were unable to reach a full and final resolution regarding the Contract dispute and on August 4, 2016, Plaintiff filed a lawsuit, in state court, alleging a breach of contract by Defendant for a refusal to engage in arbitration (the "Lawsuit"). On September 8, 2016, Defendant removed the Lawsuit to Federal District Court in the Southern District of Texas under Civil Action 4:16-CV-02727 ("Federal Case").

4. Subsequently, at the parties' request, on September 20, 2016, this Court granted the parties Joint Motion to Stay Pending Arbitration (Docket #5).

5. The parties began the process of selecting an arbitrator and scheduling arbitration but then, on January 25, 2017, Caborca furnished, to Plaintiff, an Assignment for the Benefit of Creditors document. Plaintiff evaluated its options given this new development but elected to proceed with the arbitration.

6. On May 1, 2017, the Court entered an order staying the Federal Case in order to allow the parties to proceed with arbitration ("Stay Order") (Docket #7). The Stay Order further provides that the parties may move to reinstate the Federal Case in the future as is appropriate. A copy of the Stay Order is attached hereto as Exhibit "B" and incorporated for all purposes.

7. Despite Plaintiff's repeated requests, the parties have been unable to proceed with arbitration. Accordingly, Plaintiff respectfully requests that this Court reinstate the Federal Case.

WHEREFORE, DiCentral prays that the Court enter an order reinstating the Federal Case and grant it such further relief as is just.

Respectfully submitted,

HOOVER SLOVACEK, LLP

*/s/ Melissa A. Haselden*

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CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that T. Michael Ballases conferenced with Ryan Cantrell regarding the relief requested in this motion and Mr. Cantrell, as Mr. Ballases understands it, was unable to ascertain his client's position to the relief sought in this motion.

*/s/ Melissa A. Haselden*

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Melissa A. Haselden

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of this document was served on all legal counsel and in the manner as stated below on this the 15th day of January 2018.

Via ECF Service

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LEATHER, LLC

*/s/ Melissa A. Haselden*

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